REMARKS

Claims 1-10 were presented and examined. In response to the Office Action, Claims 1-3 and 6-8 are amended. Claims 1-10 remain in the Application. Reconsideration of the pending claims is respectfully requested in view of the above amendment and the following remarks.

I.   Claims Rejected Under 35 U.S.C. §103

A.   Claims 1-4 and 6-9 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of U.S. Patent 5,359,730 to Marron ("Marron," previously cited) in view of U.S. Publication 20040015905 of Huima ("Huima," previously cited).

Claim 1 is amended to include a "current pointer" and a "new pointer." Further, Claim 1 is amended to include the steps of "d) resetting the second global variable when exchanging the current pointer with the new pointer to indicate that the current pointer is pointing to the new intrusion rule and the new pointer is pointing to the current instruction rule; e) changing the current instruction rule pointed to by the new pointer to the new instruction rule to match contents pointed to by the current pointer." Support for the amendment can be found, for example, in Figure 2 of the present application. Marron in view of Huima does not teach or suggest these elements.

Marron discloses a dynamic software update facility (DSUF) for dynamically updating operating systems (col. 6, lines 45-49). The DSUF determines which version of a program (old or new) can be used by a process and when it is safe for the process to stop executing the old program and start executing the new program (col. 7, lines 3-34). The Examiner recognizes that Marron does not disclose dynamically changing an intrusion detection rule in a running system and that Marron does not explicitly disclose the steps of setting a second global variable and resetting the second global variable, as recited in Claim 1. Marron also does not disclose a method that exchanges a current pointer with a new pointer, and changes the rule pointed by the new pointer after the exchange to match the contents pointed to by the current pointer, as recited in amended Claim 1.

Huima discloses a packet scanner system that receives a new compiled rule for processing packets (paragraph 31). The system pauses the operations at a suitable time, and inserts the new compiled code or replaces the old code with the new compiled code (FIG. 1 and paragraph 31).

However, the system of Huima does not exchange a current pointer with a new pointer, and does not change the rule pointed by the new pointer after the exchange to match the contents pointed to by the current pointer, as recited in amended Claim 1. There is no indication in Huima that the rule pointed to by the new pointer matches the contents pointed to by the current pointer.

Analogous reasons apply to independent Claim 6, which is amended to include similar limitations. Thus, for at least the foregoing reasons, Claims 1, 6 and their respective dependent claims are not obvious over Marron and Huima. Accordingly, withdrawal of the §103 rejection of Claims 1-4 and 6-9 is respectfully requested.

B.   Claims 5 and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Marron and Huima, and further in view of Stoica, "Stainless Core: A Scalable Approach for Quality of Service in the Internet" ("Stoica," previously cited).

Claims 5 and 10 depend from Claims 1 and 6, respectively, and incorporate the limitations thereof. Thus, for at least the reasons mentioned above, these claims are non-obvious over Marron and Huima.

Stoica does not supply the missing elements of Marron and Huima. Stoica does not disclose the operations of exchanging a current pointer with a new pointer, and changing the rule pointed by the new pointer after the exchange to match the contents pointed to by the current pointer, as recited in independent Claims 1 and 6. Thus, for at least the foregoing reasons, Claims 5 and 10 are non-obvious over Marron and Huima in view of Stoica.

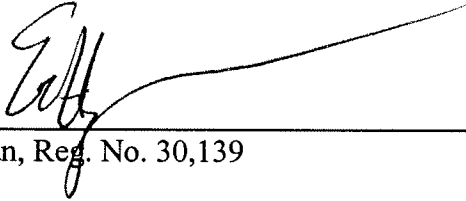Accordingly, withdrawal of the §103 rejection of Claims 5 and 10 is respectfully requested.

CONCLUSION

In view of the foregoing, it is believed that all claims are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.
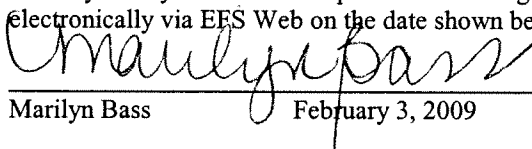
Respectfully submitted,

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Dated: February 3, 2009

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I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

Marilyn Bass   February 3, 2009

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